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FREEDOM IN THE WORLD

0

Ecuador

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OVERVIEW:

President Rafael Correa easily won a new term in February 2013 general elections, while an alliance led by his Movement for a Proud and Sovereign Homeland (PAIS) party captured an overwhelming majority in the legislature. Although the voting itself was deemed generally free and fair, preelection factors—including changes to the seat-allocation rules in 2012—were believed to have favored the incumbents.

Also during the year, the National Assembly passed a Communications Law that could lead to new restrictions on the media, and cases of harassment or attacks aimed at journalists continued to be reported. Civil society groups faced tighter regulation under a presidential decree issued in June, while individual activists faced prosecution under sabotage and terrorism laws for their role in organizing protests.

2014 SCORES

STATUS

Partly Free

FREEDOM RATING
(1 = BEST, 7 = WORST)

3.0

CIVIL LIBERTIES
(1 = BEST, 7 = WORST)

3

POLITICAL RIGHTS
(1 = BEST, 7 = WORST)

3

POLITICAL RIGHTS AND CIVIL LIBERTIES:

Political Rights: 24 / 40 [Key]

A. Electoral Process: 7 / 12

The 2008 constitution provides for a directly elected president who may serve up to two four-year terms. The unicameral, 137-seat National Assembly is elected for four-year terms, with 116 members elected in 24 provinces (each province elects at least 2 representatives and then one additional representative every 200,000 inhabitants), 15 through nationwide proportional representation, and 6 in multimember constituencies representing Ecuadorians living abroad. The president has the authority to dissolve the legislature once in his term, which triggers new elections for both the assembly and the presidency. The assembly can likewise dismiss the president, though under more stringent rules. The president enjoys line-item veto power over legislation.

In the February 2013 presidential election, Correa was reelected with over 57 percent of the vote in the first round, followed by Guillermo Lasso Mendoza of the Creating Opportunities Movement (CREO) with 22

percent. In concurrent legislative elections, Correa's Alianza PAIS took 100 of the 137 seats, followed by Lasso's CREO with 11, the Social Christian Party with 6, Patriotic Society and Avanza with 5 each, and five smaller factions with one seat each.

International observers found that the elections were generally free and fair. The Organization of American States (OAS) reported that voters cast their votes freely and without obstacles. According to the OAS, new electoral legislation banning public institutions from advertising during the campaign, establishing predetermined spaces for the candidates to campaign, and prohibiting private individuals from contracting and disseminating electoral propaganda created a more equal environment for political competition among candidates in comparison with previous elections.

However, the OAS also observed that because those rules were effective only during the official six-week campaign period, competition that occurred between candidates in the precampaign period was unregulated. Separately, the local nongovernmental organization (NGO) Citizen Participation reported that the eight presidential candidates received equal government funds to campaign as stated by the law, but media coverage of the elections tended to favor Correa.

Other factors may have influenced the outcome of the voting long before election day. Changes to the parliament's seat-allocation formula enacted by Correa in January 2012 favored larger parties, prompting critics to warn that they would benefit PAIS. A government-sponsored revision of the electoral law had removed language that would have forced Correa to take a leave of absence during the presidential race, though he ultimately requested voluntary leave in late December in order to campaign full time. The National Electoral Council that supervised the 2013 elections was appointed in 2011, and the Council of Popular Participation was criticized for a lack of transparency in its selection of the body's members.

B. Political Pluralism and Participation: 11 / 16

For decades, Ecuador's political parties have been largely personality-based, clientelist, and fragile. Correa's PAIS party remains by far the largest in the legislature. The opposition includes the newly created CREO, the Social Christian Party, and the Patriotic Society Party. Pachakutik is loosely affiliated with the Confederation of Indigenous Nationalities (CONAIE), the leading national organization representing indigenous groups.

The 2008 constitution mandated the reregistration of political organizations as a requirement for eligibility to participate in the 2013 general elections. The process drew controversy as it unfolded during 2012, with reports that voters were signed up to support parties without their knowledge, among other irregularities. A total of 42 political organizations were legally recognized—11 at the national level and 31 at the provincial level.

C. Functioning of Government: 6 / 12

Ecuador has long been racked by corruption. The weak judiciary and lack of investigative capacity in government oversight agencies contribute to an atmosphere of impunity. Corruption investigations fall under the jurisdiction of the Transparency and Social Control (FTCS) branch of government, created by the 2008 constitution. As of November 2013, the FTCS had 64 corruption cases under investigation, ranging from irregularities in public contracting to disputed fees at educational institutions. In May, the agency launched a national anticorruption plan aimed at eradicating the problem by 2017. In an assessment of the current situation, the FTCS found that clientelist practices, impunity, excessive discretion, fragmented anticorruption policies, lack of correspondence between offenses and sanctions, and collusion were among the factors that have favored the persistence of corruption in the country. Ecuador was ranked 102 out of 177 countries surveyed in Transparency International's 2013 Corruption Perceptions Index.

Civil Liberties: 36 / 60

D. Freedom of Expression and Belief: 13 / 16

The environment for freedom of expression did not improve in 2013. As of mid-December, the press watchdog Fundamedios reported 174 cases of verbal, physical, or legal harassment against journalists during the year. Correa continued his use of national broadcasts to castigate opposition and indigenous leaders, and his 2012 reforms of the electoral law barred the media from influencing the electoral campaign. In addition to Correa's regular verbal attacks on the press, the government uses its unlimited access to public-service airtime to interrupt news programming on privately owned stations and discredit journalists.

The courts ruled on a number of disputes involving freedom of expression during the year. In April, opposition assembly member Clever Jimenez and journalist Fernando Villavicencio were sentenced to 18 months in prison, along with a fine and an obligatory public apology to Correa, after being convicted of defamation. Activist Carlos Figueroa was sentenced to six months in prison. The three had sued Correa over his response to a police revolt in September 2010, and the president had filed a defamation case in retaliation after their lawsuit was dismissed. Separately, in September 2013, a judge censored a book on unsolved killings among noncontacted indigenous peoples.

International press freedom groups and human rights commissions criticized the new Communications Law approved by the National Assembly in June. Among other provisions, the legislation would create powerful regulatory bodies with questionable independence, place excessive controls on content, and impose onerous obligations on journalists and media outlets. The law employs vague language that could be used to censor critical reporting. For example, it introduces the offense of "character assassination," prohibiting the dissemination of information that may undermine the prestige of an individual or institution or reduce its public credibility. Opposition politicians and civil society members challenged the legislation before the Constitutional

Court.

In December, the National Assembly approved a new criminal code containing elements that may affect freedom of expression. Fundamedios highlighted provisions penalizing the propagation of any distinction that may erode equality, the dissemination of unauthorized personal information, the publication of false news that may hinder the economy, and the defense of someone sentenced for a crime. The new criminal code also retained existing libel and terrorism clauses.

Freedom of religion is constitutionally guaranteed and generally respected in practice. Academic freedom is not restricted.

E. Associational and Organizational Rights: 7 / 12

Numerous protests occur peacefully. However, national security legislation that predates the Correa administration provides a broad definition of sabotage and terrorism, which includes acts against persons and property by unarmed individuals. The use of such charges, along with other criminal and civil laws, against protesters has increased under Correa. Indigenous organizations in particular complain that the government is criminalizing protest by targeting leaders for legal harassment and using more aggressive police tactics against demonstrators. The Ecumenical Commission for Human Rights reported that 15 people were charged with sabotage and 10 others were accused of terrorism during 2012. In July 2013, opposition assembly member and indigenous leader Pepe Acacho was sentenced to 12 years in prison for his participation in a 2009 protest over a government-sponsored water bill that resulted in a civilian's death. In June, a former leader of the teacher's union, Mery Zamora, received an eight-year prison sentence for sabotage, having encouraged students to protest against the government during the 2010 police revolt. Both defendants appealed their sentences.

The right to organize political parties, civic groups, and unions is unabridged in law. However, domestic and international NGOs have come under increasing government scrutiny and regulation. Presidential decree 16, published in June 2013, has created great concern among civic activists. Among other contentious provisions, it introduced onerous requirements for forming an NGO, granted officials broad authority to dissolve them, and obliged organizations to register all of their members. NGOs were given one year to comply with the new rules. Critics contended that the regulations violated international standards, and activists challenged the constitutionality of the decree in Ecuadorian courts. NGO representatives also testified on the matter before the Inter-American Commission on Human Rights in October. A July 2011 presidential decree had already outlined broadly worded regulations for foreign-sponsored NGOs, forbidding activities that are "incompatible with public security and peace." Correa has accused many NGOs of forming part of a right-wing conspiracy to bring down his government. On December 4, the NGO Pachamama was dissolved under this new regulation after the government accused some of its members of having initiated a violent protest.

The country's labor unions have the right to strike, though

the labor code limits public-sector strikes. There are more labor unions in the public than in the private sector, and it is estimated that only a small portion of the workforce is unionized, partly because many people work in the informal sector. The criminal code that was approved in December 2013 prescribes one to three years in prison for public servants who agree on something that may “impede, suspend, or obstruct the execution of a law or regulation.”

F. Rule of Law: 6 / 16

The highest judicial bodies established under a 2011 judicial reform are the nine-member Constitutional Court and the 21-member National Court of Justice, whose judges were appointed in 2012. Opposition members and a panel of foreign experts cited problems in the appointment process for the National Court of Justice, including a lack of transparency. The primary criticism regarding the selection of justices for the Constitutional Court was that the members of the selection committee were too closely aligned with the government. A new attorney general was appointed in April 2011, and the system used by the Council of Popular Participation to vet candidates was similarly criticized for a lack of transparency.

Judicial processes remain slow, and many inmates reach the time limit for pretrial detention while their cases are still under investigation. Prisons are seriously overcrowded, and torture and ill-treatment of detainees and prisoners are widespread. Various projects to reform the penal and criminal procedure codes in order to improve efficiency and fairness were undertaken in 2009 and 2010, but rising crime—partly blamed on prisoners who were released to relieve overcrowding—pushed the focus of debate away from comprehensive reform. In the 2011 referendum that adopted the government’s judicial reforms, voters endorsed more restrictive rules on pretrial detention. These and other changes were included in the new criminal code that was approved in December 2013. The new code introduces specific crimes such as hired killings and femicide, and imposes tougher sentences for existing offenses.

Indigenous people continue to suffer discrimination at many levels of society. In the Amazon region, indigenous groups have attempted to win a share of oil revenues and a voice in decisions on natural resources and development. The government has maintained that it will not hand indigenous groups a veto on core matters of national interest.

With over 55,000 refugee visas granted since 1999, Ecuador is the largest recipient of refugees in Latin America. The government provides refugees with access to health facilities, schools, and small-business loans. However, the implementation of presidential decree 1182, initially adopted in May 2012, has raised concerns among defenders of refugee rights. The UN refugee agency reported that the decree introduced restrictive admissibility procedures and adopted a narrower refugee definition than that established in the 1984 Cartagena Declaration on Refugees. Human Rights Watch pointed out that the Cartagena Declaration includes those who have fled their country due to generalized violence, which

is the case with most Colombians who seek refuge in Ecuador.

G. Personal Autonomy and Individual Rights: 10 / 16

Women took 53 of 137 assembly seats in the 2013 elections, and the 2008 constitution calls for a significant female presence in public office. The election law requires that women account for 50 percent of the party lists in national legislative elections. Violence against women is common, as is employment discrimination. The 2008 constitution does not provide for same-sex marriage, but civil unions are recognized. Trafficking in persons, generally women and children, remains a problem.

Scoring Key: X / Y (Z)

X = Score Received

Y = Best Possible Score

Z = Change from Previous Year

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